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Batts, J
FILED: 1/6/11

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NICOLE CARLSON, on behalf of herself and all
others similarly situated,

Plaintiff,

-against-

THIRD AVENUE & ST. MARKS INC. d/b/a
CONTINENTAL and STEVEN TRIGOBOFF,


Defendant.

10 Civ 4936 (DAB)

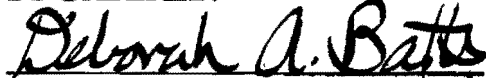
NOTICE AND ORDER OF
DISMISSAL PURSUANT
TO FRCP 41(A)(1)

Plaintiff NICOLE CARLSON, through undersigned counsel, hereby notice the dismissal of this action, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1). Following the filing and service of Plaintiffs' Complaint in this action, Defendants have not filed or served an answer or motion for summary judgment responding to Plaintiffs' Complaint, such that this matter may be dismissed through the filing of this Notice.

Dated: January 3, 2011


Brian Schaffer (BSS 7548)
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New York, New York 10016
(212) 300-0375
Attorneys for Plaintiffs

SO ORDERED.


United States District Judge 1/6/11

BC